

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>AUG 08 2008</u>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -X  
:  
UNITED STATES OF AMERICA :  
:  
v. :  
:  
BALDWIN ROSE, :  
a/k/a "Bally," :  
:  
Defendant. :  
- - - - -X

INFORMATION

S8 07 Cr. 971 (RPP)

COUNT ONE

The United States Attorney charges:

1. From at least in or about early 2007 up to and including in or about October 2007, in the Southern District of New York and elsewhere, BALDWIN ROSE, a/k/a "Bally," the defendant, and others known and unknown, unlawfully intentionally, and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that BALDWIN ROSE, a/k/a "Bally," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly would and did distribute, and possess with intent to distribute, a controlled substance, to wit, 100 kilograms and more of mixtures and substances containing a detectable amount of marijuana, in violation of Sections 812, 841(a)(1), and 841(b)(1)(B) of Title 21, United States Code.

OVERT ACTS

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about September 26, 2007, BALDWIN ROSE, a/k/a "Bally," the defendant, and a co-conspirator not named herein ("CC-1") drove to a trucking company located in Jamaica, New York, where CC-1 entered the cabin of a tractor trailer (the "Tractor Trailer").

b. On or about September 29, 2007, CC-1 drove the Tractor Trailer, which had traveled through the Bronx, New York, on or about September 28, 2007, through the Cooksville, Tennessee area, with approximately \$531,000 in United States currency contained within the Tractor Trailer's cabin.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, BALDWIN ROSE, a/k/a "Bally," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Information, including but not limited to: (1) \$531,000 in United States currency that was seized from CC-1 on or about September 29, 2007, in connection with a car stop in Tennessee; (2) \$285,960 in United States currency that was seized from a residence, in Queens, New York, on or about June 21, 2007; (3) \$239,985 that was seized from a tractor-trailer located in Spring Valley, New York on or about June 21, 2007 and (4) a sum of money equal to \$460,000 of United States currency, representing the amount of proceeds obtained as a result of the offense alleged in Count One.


Substitute Asset Provision

5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants --

- a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property. (Title 21, United States Code, Sections 841(a)(1), 846 and 853.)

  
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MICHAEL J. GARCIA  
United States Attorney

(58) 07cr971(RPP)

8/8/08     Δ Rose, produced by US Marshals, present w/ atty Yannella.  
AUSA Zach present. Δ appears & is assigned w/ this information.  
Δ enters plea of guilty. All sentencing conducted. Court accepts  
plea. PSR ordered, sentence date set for 8/13/08 at 4 PM.  
The Δ is continued remanded.

Patterson J.